IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.844 OF 2007

The State of Maharashtra. ..Petitioner.
Vs.
Raichand Soni. ..Respondent.

Mrs. M.H.Mhatre, APP. for the Petitioner.
None for the Respondent.

CORAM: R.S. MOHITE, J.
DATE : 22/11/2007

P.C.

1. This petition impugns two orders which concern dismissal of an application made by the State for custody. It appears from the record that the accused was arrested on 12.10.2006. He was granted judicial custody by an order dated 17.10.2006 and further police custody was refused. The Judicial custody was granted on an application made by the Investigating Officer himself. Later on, the Investigating Officer sought police custody on the ground that the accused had misled him into believing that he would give confession. This cannot be a ground for seeking police custody as the confession is supposed to be voluntary and it is open for any accused to refuse to give confession. The Revisional Court has also held that the revision was not tenable as 15-days remand period was over. Not a fit case to interfere in the impugned orders. Hence, petition is rejected.

(R. S. MOHITE, J.)